

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10259-RWZ

HABSHI, INC.

v.

CITIBANK

ORDER

July 20, 2005

ZOBEL, D.J.

Paragraph 1 of the complaint describes the plaintiff as a Massachusetts corporation with a place of business in Brockton, Massachusetts. It was represented by counsel who later filed a motion to withdraw as attorney, which was allowed. However, the Court also ordered that successor counsel shall enter his/her appearance no later than July 8, 2005 and that in the absence of successor counsel “the complaint will be dismissed for lack of prosecution.”

On June 21, 2005, Chehade Dib Habshi filed an appearance pro se. In response to the Court’s order that plaintiff oppose defendant’s motion to dismiss, defendant pointed out correctly that plaintiff, a corporation, cannot be represented by a non-lawyer or act pro se. Now Mr. Chehade Dib Habshi has moved for the appointment of counsel.

First, the defendant’s motion for clarification of the Court’s June 30 order is allowed. Mr. Chehade Dib Habshi cannot represent plaintiff and cannot therefore file

any opposition to the summary judgment motion on plaintiff's behalf.

Second, plaintiff's motion for the appointment of counsel is denied. Since plaintiff cannot proceed, the complaint is dismissed for lack of prosecution.

Judgment may be entered dismissing the complaint without prejudice.

DATE

/s/ Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE